

# EXHIBIT 5

Case 2:18-mj-00484-DUTY \*SEALED\* Document 10 Filed 03/06/19 Page 1 of 8 Page ID  
#:145

1 NICOLA T. HANNA  
United States Attorney  
2 LAWRENCE S. MIDDLETON  
Assistant United States Attorney  
3 Chief, Criminal Division  
Assistant United States Attorney  
4 SARA B. MILSTEIN (California State Bar No. 313370)  
Assistant United States Attorney  
5 Violent and Organized Crime Section  
1300 United States Courthouse  
6 312 North Spring Street  
Los Angeles, California 90012  
7 Telephone: (213) 894-8611  
Facsimile: (213) 894-3713  
8 E-mail: Sara.Milstein@usdoj.gov

9 Attorneys for Applicant  
UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT  
11  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 IN RE SEARCH WARRANT FOR DIGITAL  
DEVICES SEIZED ON OR ABOUT March  
14 9, 2018 FROM THE PROPERTY  
LOCATED AT 3052 W. CHERYLLYN  
15 LANE, ANAHEIM, CA 92804

No. 2:18-MJ-00484

GOVERNMENT'S EX PARTE APPLICATION  
FOR A THIRD EXTENSION OF TIME  
WITHIN WHICH TO RETAIN AND SEARCH  
DIGITAL DEVICES; DECLARATION OF  
SARA B. MILSTEIN

(UNDER SEAL)

18 The United States of America, by and through its counsel of  
19 record, Assistant United States Attorney ("AUSA") Sara Milstein,  
20 hereby applies for an order to extend, by an additional 90 days, the  
21 time within which it may retain and search digital devices seized  
22 pursuant to the above-entitled federal search warrant.

23 //

24 //

25 //

26 //

27 //

28 //

1 This application is based on the attached declaration of AUSA  
2 Sara Milstein, and the files and records of this case, including the  
3 underlying search warrant and affidavit in support thereof.

4 Dated: March 6, 2019

Respectfully submitted,

5 NICOLA T. HANNA  
6 United States Attorney

7 LAWRENCE S. MIDDLETON  
8 Assistant United States Attorney  
Chief, Criminal Division

9 /s/

10 SARA B. MILSTEIN  
11 Assistant United States Attorney

12 Attorneys for Applicant  
UNITED STATES OF AMERICA

**DECLARATION OF SARA B. MILSTEIN**

I, Sara B. Milstein, declare as follows:

1. I am an Assistant United States Attorney assigned to this investigation for United States Attorney's Office for the Central District of California.

**I. PURPOSE OF AFFIDAVIT**

2. This declaration is made in support of the request for an extension order to permit the government to retain and search for an additional 90 days the following three digital devices seized pursuant to the warrant described below (collectively, the "SUBJECT DIGITAL DEVICES"):

a. Black LG Android cell phone, Model Number LGLS991, IMEI Number 357355062960973, with cord;

b. Silver Samsung cell phone with broken screen, Model Number SM-J327P; and

c. Gold LG Cell Phone with broken screen, Model Number LS990, Serial Number 410KPVH0351583;

**II. PROCEDURAL HISTORY**

3. Based on my conversations with Federal Bureau of Investigation ("FBI") Special Agent Amy Whitman, I know the following:

**A. The SUBJECT DIGITAL DEVICES are Seized Pursuant to a Federal Search Warrant**

4. On or about March 5, 2018, TFO Trapp obtained a federal search warrant issued by the Honorable Rozella A. Oliver, United States Magistrate Judge, authorizing the search of the property located at 3052 W. Cheryllyn Lane, Anaheim, CA 92804 (the "SUBJECT PREMISES"). The warrant, which is incorporated herein by reference,

1 specifically authorized the seizure of digital devices from the  
2 SUBJECT PREMISES for a period of 120 days to allow the government to  
3 search such devices for evidence of violations of Title 18, United  
4 States Code, Sections 2252A(a)(2) (receipt and distribution of child  
5 pornography), 2251(d) (advertisement of child pornography), and  
6 2252A(a)(5)(B) (possession of child pornography).

7 5. On or about March 9, 2018, federal agents executed the  
8 warrant at the SUBJECT PREMISES and seized numerous digital devices  
9 (the "SEIZED DIGITAL DEVICES"). The SUBJECT DIGITAL DEVICES were  
10 among the SEIZED DIGITAL DEVICES. Based on the terms of the search  
11 warrant, the government therefore had until July 7, 2018, to retain  
12 and search the SEIZED DIGITAL DEVICES.

13 **B. Previous Extension Requests**

14 6. The underlying search warrant in this matter authorized the  
15 government to retain and search the digital devices for 120 days from  
16 the date of the execution of the warrant. Therefore, the time within  
17 which the government was authorized to search the digital devices  
18 seized on March 9, 2018, was July 7, 2018. The government halted its  
19 review of the SEIZED DIGITAL DEVICES, including the SUBJECT DIGITAL  
20 DEVICES, on July 7, 2018.

21 7. At that time, and as outlined in the government's first ex  
22 parte application (Dkt. 7), the government concluded that additional  
23 time was necessary to complete the review of several digital devices,  
24 including the SUBJECT DIGITAL DEVICES.

25 8. Due to a miscommunication between TFO Trapp and SAUSA  
26 Stacey R. Fernandez, the government neglected to file an application  
27 to extend the time within which the government may retain and search  
28



1 the SEIZED DIGITAL DEVICES prior to the expiration of the initial  
2 120-day review period authorized by the underlying search warrant.

3 9. On October 9, 2018, a nunc pro tunc extension to search the  
4 SUBJECT DIGITAL DEVICES was sought and granted from July 7, 2018 to  
5 October 10, 2018, as well as an additional 60 days from October 10,  
6 2018 to December 9, 2018 by the Honorable Karen L. Stevenson.

7 10. On December 10, 2018, an extension to search the SUBJECT  
8 DIGITAL DEVICES was sought and granted for an additional 90 days from  
9 December 10, 2018 to March 10, 2019 by the Honorable Paul L. Abrams.

10 11. To date, federal agents have completed searches of all  
11 SEIZED DIGITAL DEVICES except the three SUBJECT DIGITAL DEVICES.

12 **III. CURRENT EXTENSION REQUEST**

13 **A. Pending Review of the SUBJECT DIGITAL DEVICES Reveals that**  
14 **the Subject Devices Contain Child Pornography**

15 12. From my conversations with FBI Special Agent Amy Whitman, I  
16 know that federal agents believe that the SUBJECT DIGITAL DEVICES  
17 contain child pornography based, in part, on the following:

18 a. On or about May 5, 2018, forensic specialists from the  
19 Los Angeles County Sheriff's Department, High Tech Task Force began  
20 to prepare a forensic image of the Silver Samsung cell phone with  
21 broken screen, Model Number SM-J327P and the Gold LG Cell Phone with  
22 broken screen, Model Number LS990, Serial Number 410KPVH0351583.

23 After the forensic exams were completed on the two listed cell  
24 phones, the forensic specialists discovered numerous images of child  
25 pornography. The following is a description of a sample of the  
26 images of child pornography that were discovered on the Gold LG Cell  
27 Phone with broken screen, Model Number LS990, Serial Number  
28 410KPVH0351583:

1                   i.    An image file entitled "1024\_x768\_bestfit.jpg"  
2 shows the torso and legs of a nude prepubescent female. The  
3 prepubescent female has her legs spread exposing her vagina. An adult  
4 male is anally penetrating the female with his erect penis.

5                   ii. An image file entitled "large.jpg" depicts a nude  
6 prepubescent female lying on her back. The female's legs are spread  
7 and raised in the air, bent at the knees. The female's vagina and  
8 anus are exposed.

9           13. For the following reasons, I am requesting an additional 90  
10 days for the government to complete its review of the SUBJECT DIGITAL  
11 DEVICES:

12               a.    The SUBJECT DIGITAL DEVICES alone contain  
13 approximately 90 gigabytes of data. The information stored on the  
14 cell phones hold an unknown amount of storage, but smart phones can  
15 hold several Gigabytes of information, as well as several Gigabytes  
16 of deleted information which agents will have to review. Processing  
17 and reviewing all these devices and documenting them is time  
18 consuming.

19               b.    To date, the majority of the SEIZED DIGITAL DEVICES  
20 have been previewed and no evidence was found.

21               c.    Evidence of the Subject Offenses were found on the  
22 SUBJECT DIGITAL DEVICES, however, the following additional review is  
23 needed:

24                   i.   A finalized report for the Gold LG Cell Phone  
25 with broken screen, Model Number LS990, Serial Number 410KPVH0351583  
26 must be completed;

27  
28

1                   ii. A finalized report must be completed on the Black  
2 LG Android Cell Phone, Model Number LGLS991, IMEI Number  
3 357355062960973; and

4                   iii. A finalized report must be completed on the  
5 Silver Samsung cell phone with broken screen, Model Number SM-J327P.

6                   d. The forensic review of digital devices is also time  
7 consuming. Agents cannot simply turn on the devices and review their  
8 contents because merely turning on a device and reviewing its  
9 contents changes the data. Specialized extraction software is  
10 therefore needed to ensure that evidence remains in a pristine and  
11 usable condition, and is not affected by the review process. The  
12 review also must be conducted by agents who have received specialized  
13 training to ensure that the review is done thoroughly and in a  
14 forensically sound fashion. This process takes substantial time.  
15 Further, the number of digital devices, the amount of time for the  
16 computer systems to read the data for viewing, and for the  
17 investigator to view and "bookmark," or label, the images of  
18 contraband as evidence are tasks which require a significant amount  
19 of time and more time than is presently available.

20           14. For these reasons, agents have not been able to complete  
21 the review in the time allotted. I am therefore requesting an  
22 extension of 90 days from March 11, 2019 -- that is, until June 9,  
23 2019, in order to conduct the search of the SUBJECT DIGITAL DEVICES.

24 //

25 //

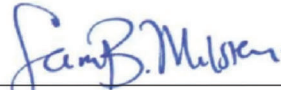
26 //

27 //

28 //



1 I declare under penalty of perjury under the laws of the United  
2 States of America that the foregoing is true and correct and that  
3 this declaration is executed at Los Angeles, California, on March 6,  
4 2019.

5 

6 SARA B. MILSTEIN